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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 8	4
II.	ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS	9 - 157	6
	A. Promotion of the acceptance of and respect for the principles of international law	9 - 45	6
	1. Promoting the acceptance of multilateral treaties	9 - 20	6
	2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making	21 - 29	9
	3. Ways and means of implementation of multilateral treaties	30 - 45	12
	B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice	46 - 58	16

* A/49/150.

CONTENTS (continued)

	Paragraphs	Page
1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States	46 - 49	16
2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States	50 - 58	17
C. Encouragement of the progressive development of international law and its codification	59 - 69	21
D. Encouragement of the teaching, study, dissemination and wider appreciation of international law	70 - 151	24
1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	70 - 72	24
2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose	73 - 82	25
3. Organization of and participation in international and regional seminars and symposia for experts on international law	83 - 108	27
4. Training in international law for legal professionals and government officials organized by States and international organizations	109 - 121	32
5. Publication of the practice of States and international and regional organizations in the field of international law	122 - 129	34
6. Publication by States and international organizations of international legal instruments and legal studies	130 - 143	36
7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof	144 - 145	38

CONTENTS (continued)

	Paragraphs	Page
8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook	146 - 151	39
E. Procedures and organizational aspects	152 - 157	40
1. The role of the Sixth Committee of the General Assembly of the United Nations	152	40
2. The United Nations Congress on Public International Law	153 - 155	40
3. Establishment of national, subregional and regional committees for implementation of the programme	156	41
4. The question of the provision of adequate financing for the implementation of the Decade programme	157	41
III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION	158 - 186	41
A. The law relating to human rights	158 - 161	41
B. The law relating to disarmament	162 - 163	42
C. The law relating to outer space	164	43
D. The law relating to economic development	165	43
E. The law relating to international trade	166 - 168	43
F. The law relating to crime prevention and criminal justice	169	44
G. The law relating to environment	170 - 173	44
H. The law of the sea	174 - 178	45
I. The work of the International Law Commission	179 - 182	46
J. The work of the Sixth Committee	183 - 186	47
Annex. GUIDELINES FOR MILITARY MANUALS AND INSTRUCTIONS ON THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT		49

I. INTRODUCTION

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. On 28 November 1990, the General Assembly adopted resolution 45/40, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law. On 25 November 1992, the Assembly adopted resolution 47/32 to which was annexed the programme for the activities for the second term (1993-1994) of the Decade.

3. On 9 December 1993, the General Assembly adopted resolution 48/30, entitled "United Nations Decade of International Law", in which it, inter alia, invited all States and international organizations and institutions referred to in the programme for the second term of the Decade (1993-1994) to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade; requested the Secretary-General to submit, on the basis of such information, a report to the General Assembly at its forty-ninth session; also requested the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis; decided that a United Nations congress on public international law should be held in 1995, as proposed in part III of the report of the Working Group on the Decade (A/C.6/48/L.9), and requested the Secretary-General to proceed with the preparations for the congress and keep the Member States informed of the status of the preparations; invited all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, annexed to the report of the International Committee of the Red Cross, and to provide their comments thereon to the International Committee, either directly or through the Secretary-General, no later than 31 March 1994; and requested the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by it and other relevant bodies with regard to the protection of the

environment in times of armed conflict, and to submit the information received in the above report of the Secretary-General to the General Assembly at its forty-ninth session.

4. By a note dated 28 January 1994, the Secretary-General invited Governments to submit information on the implementation of the programme or any views on possible activities for the next term of the Decade. A similar request was transmitted by letters dated 18, 19 and 20 January, 8 March and 9 May 1994 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 15 August 1994, replies had been received from the following Member States: Croatia, Denmark (on behalf of the Nordic countries), Germany, Japan, Malta, Namibia, Qatar, Romania, Saudi Arabia, Sweden, United Kingdom of Great Britain and Northern Ireland and from Switzerland. Relevant information had also been received from the following United Nations bodies, international and regional organizations and institutions: United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), United Nations Institute for Training and Research (UNITAR), Conference on Disarmament, International Labour Organization (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), World Health Organization (WHO), World Bank, International Monetary Fund (IMF), International Maritime Organization (IMO), Asian-African Legal Consultative Committee (AALCC), Conference on Security and Cooperation in Europe (CSCE), Council of Europe, European Space Agency (ESA), European Commission of Human Rights, European Court of Human Rights, International Court of Arbitration of the International Chamber of Commerce (ICC), Permanent Court of Arbitration (PCA), Inter-American Court of Human Rights, International Committee of the Red Cross (ICRC), Inter-Parliamentary Union, International Astronautical Federation (IAF), Institute of International Law, Hague Academy of International Law, and International Institute of Humanitarian Law.

6. The replies from States and international organizations are analytically summarized in section II of the present report under five headings corresponding to the five main sections into which the programme is divided. As a rule, the specific paragraphs of those sections containing requests to States and international organizations have provided the framework for the organization of the material under each heading.

7. The supplementary information on recent activities of the United Nations in the field of progressive development of international law and its codification is presented in section III, on a topic-by-topic basis, following the format of the analysis presented in the last report of the Secretary-General on this item (A/48/312). The work of the International Law Commission and that of the Sixth Committee are dealt with separately.

8. The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

II. ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties*

9. Croatia observed that it had committed itself to implementing the treaties to which the Socialist Federal Republic of Yugoslavia had been a party, if they were not contrary to the Constitution and the legal system of the Republic of Croatia, on the basis of the provisions of international law on succession of States concerning treaties. Croatia was undergoing the process of notification of succession with regard to each individual treaty to which it wanted to be a successor State, considering itself a party to these treaties from the date of gaining its independence (8 October 1991). Applying this practice, Croatia was now a party to more than 200 multilateral treaties, which were relevant to the codification and progressive development of international law (e.g. conventions concerning human rights, law of treaties, succession of States, diplomatic and consular law, humanitarian law, transport law, environmental protection, international labour law, disarmament, etc.). Croatia had also joined the constitutional instruments of some 30 international organizations, whose member it became according to the provisions contained in these documents.

10. Namibia indicated that its accession to the following ILO instruments would be completed in the course of 1994: Freedom of Association and Protection of the Rights to Organise of 1948; the Application of the Principles of the Right to Organise and to Bargain Collectively of 1948; and Tripartite Consultations to Promote the Implementation of the International Labour Standards of 1976. In addition, Namibia's accession to the United Nations Convention relating to the Status of Refugees of 28 July 1951 and its Protocol of 31 January 1967, would also be completed by the end of 1994. Finally, Namibia's accession to the following international human rights instruments was also under active consideration: 1966 International Covenant on Economic, Social and Cultural Rights; 1966 International Covenant on Civil and Political Rights, and the Optional Protocol thereto; 1948 Convention on the Prevention and Punishment of the Crime of Genocide; 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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* Under paragraph 2 of this section of the programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

11. Romania reported that it had acceded to the following multilateral agreements during the period 1993-1994: 1966 Optional Protocol to the International Covenant on Civil and Political Rights; Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; 1950 Convention for the Protection of Human Rights and Fundamental Freedoms; Statute of the Council of Europe; 1951 United Nations Convention relating to the Status of Refugees; 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; 1970 Convention concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; 1990 Treaty on Conventional Armed Forces in Europe; 1992 Treaty on Open Skies; 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; 1985 Vienna Convention for the Protection of the Ozone Layer; 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; 1978 International Convention for the Prevention of Pollution from Ships, and its 1978 Protocol; 1979 Convention on the Conservation of European Wildlife and Natural Habitats; 1992 Convention on the Protection of the Black Sea against Pollution; 1992 United Nations Framework Convention on Climate Change; as well as conventions in the area of international trade and telecommunications.

12. Saudi Arabia stated that it was a party to a number of multilateral conventions, such as the Vienna Convention on Diplomatic Relations of 1961; the Vienna Convention on Consular Relations of 1963; the Treaty on the Non-Proliferation of Nuclear Weapons of 1968, and the International Convention on Maritime Search and Rescue, done in 1989 by the International Maritime Organization. Saudi Arabia was presently engaged in a comprehensive review of the international conventions to which it had not yet acceded, with a view to taking the necessary steps to accede thereto.

13. UNEP reported that its Governing Council and meetings of the contracting parties had been calling on Governments to sign, ratify or accede to the specific conventions concluded under its auspices, such as the 1992 Convention on Biological Diversity. In accordance with Governing Council decision 24 (III) of 30 April 1975 and General Assembly resolution 3436 (XXX) of 9 December 1975, the Executive Director had been submitting to the Governing Council on a biennial basis a report on the status of international conventions and protocols in the field of the environment for consideration and subsequent transmission to the General Assembly. The 1993 version of the Register of International Treaties and Other Agreements in the Field of the Environment, containing the status of about 170 environmental agreements together with summaries of the respective agreements, was in the process of publication. The publication of a more updated version of the Register is scheduled for 1995. UNEP had been providing information concerning the status of international environmental agreements to Governments, organizations and others on a regular basis and usually upon request. In order to disseminate such information in a more systematic manner, UNEP would start issuing a biannual newsletter on environmental law and institutions, commencing in the second half of 1994.

14. UNESCO noted that its secretariat would publish, in 1994, a new edition of the compendium entitled "Standard-setting Instruments of UNESCO" (a compilation of standard-setting instruments adopted under the auspices of UNESCO, with updated ratification tables).

15. The IMF noted that it had continued to encourage the acceptance of the obligations of article VIII, sections 2, 3 and 4, of its Articles of Agreement by those members that continued to avail themselves of the transitional arrangements of article XIV. In 1993-1994, 17 member countries had accepted the obligations of article VIII, which had brought the total number of countries that had accepted the obligations of article VII to 91.

16. The AALCC noted that during the second term of the United Nations Decade of International Law it had continued to urge member States which had not already done so to consider ratifying or acceding to multilateral conventions. The secretariat of AALCC, in fulfilment of its advisory and recommendatory functions, pursued further its endeavours to promote the acceptance of and respect for the principles of international law by urging that member States ratify or accede to such international instruments as the 1982 Convention on the Law of the Sea, the 1992 United Nations Framework Convention on Climate Change, the international instruments on human rights, the 1990 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the 1992 Convention on Biological Diversity, the 1951 Refugee Convention and the 1967 protocol thereto, the 1978 United Nations Convention on the Carriage of Goods by Sea (the Hamburg Rules), etc. AALCC also urged its member States to consider the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Procurement of Goods and Construction when they enacted or amended their national law on procurement.

17. The PCA observed that the Working Group of specialists convened for the purpose of making recommendations for improving the functioning of the PCA had suggested that States not parties to the Hague Conventions of 1899 and 1907 for the Pacific Settlement of International Disputes should be encouraged to ratify them. The efforts of the International Bureau of the PCA had resulted in a number of new accessions to the 1907 Convention. In addition, a number of emerging countries had succeeded their political predecessors. Other countries had expressed an intention to adhere to the Convention in the near future. In the summer of 1993, the People's Republic of China, a Contracting Party since the early 1900s, had resumed its active participation in the activities of the PCA, most notably by appointing four distinguished members of the Court. The Contracting Parties to the two Hague Conventions constituted 80 of the 184 Member States of the United Nations. The International Bureau continued to encourage States to become parties to the Hague Convention of 1907, by sending information on the PCA to Governments, and by raising the matter with representatives attending the Sixth Committee of the General Assembly of the United Nations. Interested Governments that had not yet acceded to the Convention were invited to be represented at the Conference of Members of the PCA in September 1993. The PCA also noted that 96 States had ratified the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

18. The Inter-American Court of Human Rights noted that 25 American countries had ratified or acceded to the American Convention on Human Rights (entered into force on 18 July 1978).

19. The Inter-Parliamentary Union reported that the 90th Inter-Parliamentary Conference (Canberra, 18 September 1993) had addressed, inter alia, the issue of acceptance of multilateral treaties. Thus, in its resolution entitled "Respect for International Humanitarian Law and Support for Humanitarian Action in Armed Conflicts", the Conference expressed regret that international humanitarian law instruments had not yet become universal. The resolution called on all States which had not yet adopted the following instruments to examine or review without delay the possibility of adopting them rapidly: the Additional Protocols of 8 June 1977 to the Geneva Conventions of 1949; the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, of 10 October 1980; the Convention for the Protection of Cultural Property in the event of Armed Conflict, of 14 May 1954; the United Nations Convention relating to the Status of Refugees of 28 July 1951 and its Protocol of 31 January 1967. The resolution also called on States which had adopted Additional Protocol I of 1977 to make the declaration referred to in article 90 on the general competence of the International Fact-Finding Commission. The Conference, in its resolution entitled "External Displacement as a Consequence of the Conflict in Bosnia and Herzegovina and Other Wars and Civil Wars" also appealed to all States which had not yet done so to ratify all relevant conventions and protocols relating to the expulsion and displacement of populations caused by wars and civil wars, in particular the relevant Geneva Conventions of 1949, their Additional Protocols of 1977 and the Convention against Genocide.

20. The IAF noted that a Standing Committee, established by the International Institute of Space Law (a body of IAF) in 1987, continued to produce yearly reports on the status of international agreements relating to activities in outer space, which provided a survey of the state of signatures, ratifications, accessions, successions and declarations of acceptance of the multilateral space agreements in force. The sixth such report was published in 1993.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

21. Saudi Arabia indicated that it had provided financial assistance and technical expertise to developing countries in order to facilitate their participation in the multilateral treaty-making process.

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* Under paragraph 3 of this section of the programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

22. UNEP stated that it had been carrying out training and other assistance to enhance the capacity of developing countries to participate effectively in the development and implementation of international environmental law. In order to enable developing countries to attend meetings concerning international environmental legal instruments being elaborated or concluded under its auspices, UNEP had been providing those countries with financial assistance for their participation in relevant meetings. With a view to building the capacity of developing countries to enable them to implement international environmental agreements, UNEP, upon request, continued to provide them with technical assistance in enhancing their environmental legislation, policy and institutional arrangements. Furthermore, UNEP has planned for 1994-1995 to provide technical assistance to countries with economies in transition with a view to promoting wider adherence to and implementation of international environmental agreements by those countries. In October 1993, UNEP held a regional workshop on strengthening environmental legislation for West Asian countries in Manama, Bahrain. One of the objectives of that workshop was to enhance capacities of Governments in the region, through training of their legal personnel, in developing national legislation to enable Governments to become parties to regional and global environmental agreements. Addressing government officials from developing countries in various regions, UNEP, together with UNITAR and UNCHS, organized a global environmental law seminar in Nairobi in December 1993. That seminar addressed, among other issues, the implementation of international legal instruments in the field of the environment, including environmental conventions developed under the auspices of UNEP. The next global environmental law seminar, to be organized jointly by UNEP, UNITAR and UNCHS, is scheduled for March 1995.

23. UNEP also reported that, through its activities on oceans and coastal areas management, it assisted countries in implementing relevant instruments through respective regional seas action plans. In the process of developing a programme of action to control marine pollution from land-based activities, UNEP convened a Preliminary Meeting of Experts to Assess the Effectiveness of Regional Seas Agreements in Nairobi in December 1993. In accordance with chapter 17 of Agenda 21 and UNEP Governing Council decision 17/20 of 21 May 1993, 1/ UNEP started the process of developing a programme of action that will be coordinated at the global level to protect the marine environment from land-based activities. Such a programme of action could be a means to assist the parties to the 1982 United Nations Convention on the Law of the Sea in implementing relevant provisions of its part XII concerning protection and preservation of the marine environment. As the first step of this process, UNEP convened in December 1993 a Preliminary Meeting of Experts to Assess the Effectiveness of Regional Seas Agreements.

24. The secretariat of the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), would seek funding to provide technical assistance to the parties without adequate national legislation in developing such legislation.

25. ILO noted that the new ILO policy on technical advice and assistance to States under the title "Active Partnership Policy" had included, inter alia, the establishment of 14 Multidisciplinary Teams. Twelve of these Teams included specialists on international labour standards.

26. WHO observed that the Regional Office for the Eastern Mediterranean (EMRO) had reported that it was working closely with Member States to draw up an appropriate regional and national health laws and legislation framework, with precise legal standards, as an essential prerequisite for effective and efficient utilization of a country's health resources. Twelve countries of the region had already reviewed their health legislation, and, with the support of EMRO, other countries of the region had started to review and develop health legislation relating to the various components of primary health care and other health activities, such as mental health, occupational health, environmental health, drugs, AIDS, etc. The Regional Office for the Americas (AMRO/PAHO) reported that its LEYES database contained more than 4,500 entries on health legislation for Latin America and the Caribbean. LEYES is a means of effectively compiling and distributing health legislation information among the countries of the region, thereby assisting in the development of national as well as international health laws.

27. IMF indicated that, through its Legal Department, it had provided assistance to the new members that joined the Fund in 1993 in preparing the appropriate legal documentation required for their accession to the Fund's Articles of Agreement. The Fund had also provided legal assistance to member countries of the West African Monetary Union through their common central bank (the BCEAO) in the drafting of the treaty establishing the West African Economic and Monetary Union.

28. AALCC stated that it had continued and would continue to furnish assistance to member States of the Committee to facilitate their participation in the process of multilateral treaty making, their adherence to multilateral treaties and the implementation of such treaties in accordance with their national legal systems. In the matters relating to environment and development, the secretariat of AALCC, while engaged in the analysis of the international instruments adopted by the United Nations Conference on Environment and Development (UNCED) at Rio de Janeiro in June 1992, had undertaken a study of the draft Convention on Combating Desertification and Mitigation of Drought as adopted by the Intergovernmental Negotiating Committee at its meeting held in Paris in June 1994. The proposed study would assist the representatives of the member States in the adoption of the proposed Convention.

29. The International Court of Arbitration of the ICC noted that since developing countries played an increasingly active role in world trade, the ICC Institute of International Business Law and Practice had developed for their use a 10-year training programme for executives involved in international trade. The Court, on the other hand, while fully guaranteeing the confidentiality of the cases, welcomed trainees from numerous countries.

3. Ways and means of implementation of multilateral treaties*

30. Croatia observed that, under its Constitution, the provisions of treaties could be invoked before, and directly enforced by, the courts. Moreover, in the event of a conflict between domestic and international law, the latter prevailed. The Constitutional Law on the Constitutional Court enabled citizens to request the protection of their rights and freedoms guaranteed by the Constitution, by a constitutional complaint directly before the Constitutional Court. When dealing with these matters, the Constitutional Court, as well as the other courts, explicitly applied the provisions of international treaties in this area.

31. Croatia also indicated that it supported the efforts by the United Nations as well as the entire international community to punish the persons responsible for war crimes. It therefore supported the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Croatia had expressed its readiness to accept the jurisdiction of this Tribunal, and was taking all necessary measures in accordance with its internal law in order to implement the provisions of Security Council resolution 827 (1993) as well as those of the statute of the International Tribunal. Croatia had actively collaborated with the United Nations Commission of Experts in investigating the war crimes committed in the territory of the former Yugoslavia, thus facilitating the compiling of evidence of such war crimes. Croatia had set up a Commission on War Crimes whose main task was to compile evidence of such war crimes and war criminals. This Commission was at the same time a contact body for cooperation with the prosecutor of the International Tribunal and the data which it compiled may be used in the work of this Tribunal or other international bodies. Finally, Croatia noted that it had been fulfilling its commitments regarding the preparation of reports on the implementation of human rights instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and was in the course of completing a report regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, Croatia had regularly invited and accepted experts from various international bodies dealing with the implementation of huran rights in Croatia.

32. Romania reported that its Ministry of Defence was continuing its efforts to incorporate into its various military regulations provisions contained in

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* Under paragraph 4 of this section of the programme, States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of that information and to submit it to the General Assembly.

international treaties on the protection of the environment in cases of armed conflict. Romanian military manuals and instructions already contained provisions regarding the protection of the environment, the civilian population, cultural heritage and works of art, and potentially dangerous construction projects, such as electrical power plants, oil platforms, dams and bridges. Certain restrictions regarding the use of agricultural land, irrigation systems, plant life and nature reserves and parks during military exercises and operations were also clearly stipulated. The education and instruction process was intended especially for the study and implementation of the types of military decisions that would provide a balance between the desired military advantage and its potentially negative impact on the environment. Moreover, internal regulations, orders and instructions prohibited the acquisition, proliferation or use of new weapons having destructive effects on the population and the environment (poisons and bacteriological weapons).

33. Sweden expressed the view that the adoption of domestic legislation and other measures taken at the national level were an essential means of ensuring implementation of the rules regarding protection of the environment in times of armed conflict. In this connection, it observed that the Swedish Arms Project Delegation, when examining the development of new weapons, took into consideration whether the proposed weapon would contravene existing rules for the protection of the environment in times of armed conflict.

34. The Conference on Disarmament pointed out that, following the establishment by the Secretary-General of the United Nations of the Register of Transfers of Conventional Weapons, the Conference continued to address the issue of transparency in armaments with a view to elaborating universal and non-discriminatory practical means to increase openness and transparency related to excessive and destabilizing accumulation of arms, military holdings, procurement through national production and transfer of high technology with military application and weapons of mass destruction.

35. The World Bank reported that, in the field of international environmental law, the World Bank had, in cooperation with UNDP and UNEP, played a leading role in the successful restructuring of the Global Environment Facility (GEF). The GEF was initially established by a resolution of the Executive Directors of the World Bank - supplemented by inter-agency arrangements with UNDP and UNEP - as a pilot programme to finance global environmental protection in four focal areas: climate change, biological diversity, international waters, and ozone layer depletion. Following completion of the three-year pilot phase, participating Governments reached agreement in March 1994 to restructure and replenish the GEF on the basis of a new legal instrument to be adopted by the governing bodies of the three implementing agencies, with the World Bank serving as trustee. Subject to confirmation by the conference of the parties to the 1992 United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, the GEF will operate as a financial mechanism for implementation of the two conventions, under guidance from an intergovernmental Assembly and Council. Within its four focal areas, it would continue to strengthen implementation of other international environmental agreements, which during the pilot phase had already included the 1973/78 International Convention for Prevention of Pollution from Ships and the 1992 Convention on the Protection of the Black Sea Against Pollution. The World Bank also continued to function -

together with UNDP and UNEP - as an implementing agency for the Multilateral Fund of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, under the terms of an "ozone projects agreement" concluded with the Fund's intergovernmental Executive Committee in 1991. In addition, it was a co-sponsor - with UNDP, the Commission of the European Communities and the European Investment Bank - of the Mediterranean Environmental Technical Assistance Program supporting implementation of the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution; and served as trustee for the Rain Forest Trust Fund established in 1992 - with contributions from seven donor countries and the Commission of the European Communities, under the terms of a framework agreement with Brazil concluded in February 1994, to finance a pilot programme to conserve the Brazilian Amazon and Atlantic rain forests.

36. UNEP pointed out that the secretariats for various environmental conventions, at the request of the parties provided by UNEP, undertook and would undertake activities necessary for the implementation of those conventions, including convening meetings of the parties, intergovernmental and non-governmental organizations and experts, seeking funding to provide technical assistance to the parties in developing necessary legislation, encouraging relevant amendments and adjustments to international instruments in this area, developing relevant programmes of action, etc. UNEP pointed out that in accordance with Governing Council decision 17/25 of 21 May 1993 1/ and in the light of chapter 38 of Agenda 21, it had taken action to strengthen the coordination of the secretariats of environmental conventions and had pursued the following principal objectives: to promote the efficient and effective implementation of the conventions and to ensure the cost-effectiveness of the operation of the secretariats.

37. FAO noted that it had contributed to the implementation of various instruments in the field of environment and sustainable development, acting as a task manager and cooperating with UNEP, WHO and other institutions in the operation of secretariats of the relevant conventions, in the organization of intergovernmental meetings, in providing technical support, etc.

38. IMF observed that, in exercising its surveillance over the exchange rate policies of its members, the Fund had continued, through it regular article IV consultations, to conduct its periodic reviews of members' exchange systems to determine their consistency with members' obligations under the Articles of Agreement. The Fund had continued to promote and ensure the respect by its members of their obligations under the Fund's Articles of Agreement. Thus, following the entry into force in November 1992 of the Third Amendment of the Fund's Articles of Agreement, the Fund had suspended in 1993 and 1994 the voting and related rights of two member countries which had persisted in their failure to meet their financial obligations to the Fund.

39. The European Commission of Human Rights reported statistics relevant to the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms which had come into force on 3 September 1953. Thus it noted that since the coming into force of the Convention, 18 applications had been lodged with the Commission by States. From the setting up of the Commission in July 1954 to 31 December 1993, it had received 23,114 individual applications. In 1993, over 9,000 individual communications had been sent to

the Commission, which had registered 2,037 applications in the same year. During the period from July 1954 to 31 December 1993, 1,445 individual applications had been declared admissible by the Commission. One hundred and seventy-nine friendly settlements had been reached. As at 31 December 1993, 447 cases, representing 524 applications, had been referred to the European Court of Human Rights. The budgetary appropriation in 1993 for the Commission's legal aid scheme had been FF 480,000. In 1993 legal aid had been granted for 56 cases.

40. The CSCE observed that it had extended political support to the implementation of the 1990 Treaty on Conventional Armed Forces in Europe elaborated in the framework of the CSCE process. In the CSCE Declaration on the Treaty of the Open Skies adopted in Helsinki in March 1992, CSCE had hailed the conclusion of this Treaty. The bodies dealing with the implementation of the two treaties used joint conference services provided by the CSCE secretariat. CSCE documents contained numerous provisions of support to multilateral treaties concluded under the auspices of the United Nations.

41. The ESA stated that it was involved in programmes of space law application which raised various questions regarding the implementation of the general principles of space law in the areas of earth observation, telecommunications, (manned) space transportation and microgravity.

42. The Inter-American Court of Human Rights pointed out that in addition to its adjudicatory jurisdiction, the Court had also exercised advisory jurisdiction. Consequently, the member States of OAS and OAS organs, acting within their spheres of competence, might consult the Court regarding the interpretation of the American Convention on Human Rights, which had entered into force on 18 July 1978, or of other treaties concerning the protection of human rights in the American States. The Court's advisory jurisdiction also empowered it to, at the request of a member State, render opinions regarding the compatibility of any of the State's domestic laws with the Convention or other human rights treaties.

43. The ICRC stated that in accordance with paragraphs 12 and 13 of General Assembly resolution 48/30, it had drawn up a new version of the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, the text of which is annexed to this report. 2/ This version duly took into account the remarks made in the General Assembly and the subsequent comments by five States pursuant to the said resolution. With regard to the possibility of convening a meeting of government experts concerned exclusively with the guidelines (para. 13 of resolution 48/30), the ICRC did not consider this to be necessary at this stage. It submitted the new version of the guidelines in the hope that the General Assembly would invite States to take note of them and to incorporate their contents in national military instructions and manuals. The ICRC further intended to promote dissemination of the guidelines, including dissemination at the regional level.

44. The Inter-Parliamentary Union reported that the resolution adopted by the 90th Inter-Parliamentary Conference at Canberra on 18 September 1993, entitled "Respect for International Humanitarian Law and Support for Humanitarian Action in Armed Conflicts", inter alia, had called upon Parliaments and Governments to

ensure proper application of the main international humanitarian law treaties at the national level. In the resolution adopted also by the 90th Inter-Parliamentary Conference on "External Displacement as a Consequence of the Conflict in Bosnia and Herzegovina and Other Wars and Civil Wars" on 18 September 1993, the Conference called for the speedy implementation of Security Council resolutions establishing an international tribunal of criminal justice for prosecuting persons responsible for serious violations of international law in the former Yugoslavia, and the implementation of the tribunal's decisions in fulfilment of States' obligations as Members of the United Nations.

45. The Institute of International Law pointed out that on 7 September 1993 it had adopted a resolution dealing with the issue of application of international law by national courts. This resolution, entitled "The activities of national courts and the international relations of their State", was aimed, inter alia, at attaining within each State a correct application of international law through its own methods of interpretation by strengthening the independence of national courts in relation to the Executive and by promoting better knowledge of international law by such courts.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice*

1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States

46. Croatia indicated that it had accepted, as a means of the peaceful settlement of disputes, the jurisdiction of the Arbitration Commission (the so-called Badinter Commission) set up within the framework of the Conference on the Former Yugoslavia on 27 August 1991. It had also ratified the Convention on Conciliation and Arbitration concluded under CSCE auspices in 1993. Croatia hoped that other European countries would soon become parties to this important instrument for the peaceful settlement of disputes, establishing procedures leading to binding solutions.

47. Japan stated that it was steadfast in its conviction that disputes must be settled peacefully and that force should be renounced. Accordingly, Japan attached great importance to the dispute settlement mechanism within the

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* Under paragraph 1 of this section of the programme, States, the United Nations system of organizations and regional organizations, including AALCC, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

international community. In support of these positions, and as part of its contribution to the United Nations Decade of International Law, Japan had made contributions to the Secretary-General's Trust Fund to assist States in the settlement of disputes through the International Court of Justice, in the amount of US$ 55,000 in 1991 and in the amount of US$ 25,000 in 1993.

48. Romania reported that it had engaged in the ratification procedure for the 1993 Convention on Conciliation and Arbitration.

49. Saudi Arabia observed that it had for a long time been pursuing a policy of settling international disputes by peaceful means.

2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States

50. UNEP pointed out that, as one of the programme areas of its environmental law programme for the 1990s, it intended to study and consider modalities for developing further the mechanisms to facilitate the avoidance and settlement of environmental disputes. Such a study might address ways and means of encouraging greater recognition of the role of the Chamber for Environmental Affairs established within the International Court of Justice and its wider use in the peaceful settlement of environmental disputes.

51. UNITAR reported that the UNITAR-Inter Press Agency (IPA) Fellowship Programme in Peacemaking and Preventive Diplomacy offered advanced training in conflict analysis, negotiation and mediation to international and national civil servants who wished to learn or refine these skills. The programme was based on the latest knowledge in the field and was taught by distinguished and expert faculty from both academic and applied settings, including current and former United Nations Secretariat staff. The programme was available to middle and senior level professional staff from the substantive departments and agencies of the United Nations, staff from regional organizations, diplomatic staff from foreign ministries and relevant personnel from non-governmental humanitarian organizations. The Fellowship Programme was offered in two parts to allow participants to choose the type and duration of training that they required. The Core Programme was a two-week in-depth programme which included: (a) a framework for understanding and analyzing international disputes and their resolution; (b) an analysis of case-studies to allow participants to grapple with the complexities of applying conflict resolution methods to real-life international conflict situations; and (c) skills training so that participants could have the opportunity to practice the skills needed for effective peacemaking and preventive diplomacy. An Extended Programme was offered to participants who wished to have a more in-depth training. It involved an individual case-study in which participants selected a recent or ongoing conflict situation and reviewed and evaluated attempts to resolve it. UNITAR also pointed out that it had organized a Workshop on Procedures for the Settlement of Commercial Disputes at the General Agreement on Tariffs and Trade (GATT). The objective of this workshop was to explain dispute settlement procedures, including mediation and conciliation, that were used in GATT. The

workshop was open to members of Permanent Missions dealing with the affairs of GATT (and UNCTAD), who had already acquired some experience in the field of international negotiations. These workshops, conducted in English and French, were prepared jointly with the legal division of GATT. They took place biannually in Geneva and, on request, in developing countries. In addition to this, UNITAR reported on the training programme "Promotion of Cooperation in Environment - Development Negotiations". One training module within this programme dealt with negotiations and dispute resolution.

52. The World Bank indicated that, in accordance with the provisions of the 1965 Convention on the Settlement of Investment Disputes between States and Nationals of Other States, the International Centre for Settlement of Investment Disputes (ICSID) provided facilities for the conciliation and arbitration of investment disputes between States parties to the Convention (Contracting States) and nationals of other Contracting States. Recourse to conciliation and arbitration under the ICSID Convention is entirely voluntary. However, once the parties have consented to such conciliation or arbitration they are bound to carry out their undertaking and, in the case of arbitration, to abide by the award. In addition to providing facilities for conciliation and arbitration under the ICSID Convention, the Centre has since 1978 had a set of "Additional Facility" Rules under which the ICSID secretariat was authorized to administer certain proceedings between States and nationals of other States which fall outside the scope of the Convention. Since the ICSID Convention was opened for signature in 1965, some 20 countries have followed this suggestion and included in their investment legislation provisions containing such consents to submit disputes with foreign investors to arbitration under the ICSID Convention and/or Additional Facility Rules. More significantly, over 300 bilateral investment treaties, and one multilateral treaty - the North American Free Trade Agreement - contained comparable provisions entitling investors to resort to ICSID arbitration for the resolution of disputes with the host States involved. The most recently registered ICSID cases had each been brought under such treaties. Through the treaties in particular, entire classes of private parties had been given the right to invoke the ICSID machinery for the resolution of investment disputes with States. This may be seen as extending to the international economic sphere and to corporate entities the trend evident in other areas of giving individuals direct access to international procedures for the settlement of their disputes with States.

53. AALCC reported that it had always attached great significance to the cardinal principle of the peaceful settlement of disputes and would, during the second term of the United Nations Decade of International Law, undertake, inter alia, an in-depth study and detailed consideration of the proposals of the Secretary-General of the United Nations contained in his report entitled "An Agenda for Peace". The Committee at its thirty-second session held in Kampala in 1993 had, inter alia, appointed an open-ended Working Group to consider and advise the secretariat in the preparation of a study based on the above proposals. The secretariat had proposed to continue to monitor the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization with regard to the peaceful settlement of disputes. As regards the ways and means of encouraging wider use of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes, the secretariat of AALCC had proposed to update and expand its

earlier study on the wider use of the International Court of Justice including the settlement of environmental disputes. With respect to disputes stemming from international economic and trade law matters, the secretariat of AALCC would, during the second term of the Decade, continue to exhort and urge member States to resolve their differences in accordance with the arbitration and/or conciliatory rules framed by UNCITRAL. The Committee would also endeavour to expand and enlarge the activities of its Regional Centres of Arbitration functioning at Cairo and Kuala Lumpur. Steps had been taken to establish and make operational a similar centre at Nairobi for serving the countries in Eastern and Southern Africa.

54. The CSCE pointed out that its Council of Ministers had adopted in December 1992, on the basis of recommendations made by the CSCE Meeting on Peaceful Settlement of Disputes held in Geneva from 12 to 23 October 1992 the following texts: modifications to the 1991 Valletta Provisions for a CSCE Procedure for Peaceful Settlement of Disputes; the 1992 Convention on Conciliation and Arbitration within the CSCE; a conciliation procedure on the basis of agreements ad hoc or on the basis of reciprocal declarations; a directed conciliation procedure. This set of measures was designed to further and strengthen the commitment to settle exclusively by peaceful means by the CSCE participating States as set forth under Principle V of the CSCE Helsinki Final Act of 1975. The CSCE participating States stressed on several occasions the particular importance of this principle in the present circumstances.

55. The PCA observed that, of the seven types of peaceful settlement of disputes expressly listed in Article 33 of the Charter of the United Nations, the PCA offered four: inquiry, mediation, conciliation and arbitration. It also reported that the majority of recommendations of a Working Group of specialists convened for the purpose of making recommendations on improving the functioning of the PCA had been followed. Thus, the PCA had adopted two new sets of optional procedural rules: the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States, adopted in 1992, and the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State, adopted in 1993. Both sets of rules were based on the 1976 UNCITRAL Arbitration Rules, and had been developed for the PCA by an international group of 25 experts in international law and arbitration. Among the most significant features of arbitration under the new optional rules were procedural flexibility and party autonomy. In addition, the expert group had responded to another of the Working Group's recommendations by developing model clauses, which were now available in five languages (English, French, Russian, Arabic and Spanish), for the resolution of disputes by the mechanisms available through the PCA. A Conference of Members of the PCA convened on 10 and 11 September 1993 had decided to establish a fund from which qualified States would be able to draw in order to offset costs incurred in connection with the submission of disputes for settlement under the aegis of the PCA. This would be similar to the Trust Fund, established by the Secretary General of the United Nations in 1989 to provide financial assistance to qualifying countries that are involved in proceedings before the International Court of Justice. It was anticipated that funding would be made available on a voluntary basis by the Contracting Parties to the Hague Conventions. The PCA was further considering the establishment of a working group aimed at developing a set of modern rules for the conciliation of inter-State disputes. The 1980

UNCITRAL Conciliation Rules for international commercial disputes could serve as a point of departure in drafting these new rules.

56. The International Court of Arbitration of the International Chamber of Commerce (ICC) observed that, on account of the trend towards the globalization of ICC arbitration, proceedings involving States and governmental or administrative entities have increased significantly. More than 100 (12 per cent of the parties going to arbitration) were involved as parties in cases submitted to the ICC in 1993. The confirmation of the universal role of arbitration depended, however, on the trust of the parties. In this context, the increasing participation of disputing parties from developing countries, 25 per cent of the total number of parties, in ICC arbitration, was significant. The Court was willing to investigate improvements to conciliation and arbitration procedures and, generally, to examine practical means by which it could cooperate towards urging States and governmental entities to make use of international arbitration, in order to contribute even more to the peaceful settlement of international disputes.

57. The Inter-American Court of Human Rights noted, inter alia, that the contentious jurisdiction of the Court is binding on those States that have recognized it. At the present time, Argentina, Bolivia, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela have recognized the jurisdiction of the Court. The remaining States parties may also opt to accept the contentious jurisdiction of the Court in specific cases.

58. The Institute of International Law pointed out that a small group responsible for suggesting topics for study in connection with the peaceful settlement of disputes submitted a report to its Chairman, Sir Robert Jennings, at the Milan meeting in September 1993. The report, together with the discussion to which it gave rise, would be issued in the Annuaire de l'Institut de Droit International, vol. 65-II, 1994. It was decided to create two committees, one of which would deal specifically with disputes between States. They were the committee on the settlement through the courts and through arbitration of international disputes involving more than two States (Rapporteur: Mr. Rudolf Bernhardt), and the Committee on settlement through courts and through arbitration of international disputes other than those between States involving more than two parties (Rapporteur: Mr. Julio Gonzalez Compos).

C. Encouragement of the progressive development of international law and its codification*

59. Croatia stated that the ongoing work on the codification and progressive development of international humanitarian law applicable to armed conflicts at sea, undertaken by the International Institute of Humanitarian Law and the International Committee of the Red Cross, had demonstrated that this topic deserved consideration at the intergovernmental level.

60. The Nordic countries expressed the view that the world community was not short of primary rules stipulating the main obligations of States in their mutual relations. What was lacking was a more effective system to implement those rules and to secure the responsibility of States and those individuals who are found to have violated the primary rules. Thus, "implementation" and "responsibility" might be the key words and concepts on which to focus attention during the remaining period of the Decade up to the dawn of the twenty-first century. The Nordic countries observed that two items relating to implementation have been under consideration by the International Law Commission (ILC) and the Sixth Committee for a long time, namely the topic of State responsibility and the draft Code of Crimes against the Peace and Security of Mankind, including the draft statute of an international criminal tribunal. They pointed out that one possible way to proceed would be to focus on either of these two topics, or to pick from them a suitable part - for example the draft statute - as possible candidates for an intensified effort at codification, to be concluded at a conference in 1999.

61. Saudi Arabia urged the ILC to complete its work on the topics on its mandate, particularly those relating to international liability and the non-navigational uses of international watercourses. It further supported the development of a legal regime for use of the diplomatic bag. Saudi Arabia proposed the following subjects for future work in the area of development and codification of customary rules: international judicial cooperation, extradition of criminals, transfer of technology, international conciliation procedures and international commercial arbitration.

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* Under paragraph 1 of this section of the programme, international organizations including the United Nations system of organizations and regional organizations are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on relevant activities of the United Nations (see sect. III below).

Under paragraph 2 of this section of the programme, States are invited, on the basis of the information mentioned in paragraph 1, to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

62. ILO stated that, as at May 1994, it had adopted 174 conventions and 181 recommendations. The agenda of the 81st Session of the International Labour Conference included consideration of the adoption of international labour standards on part-time work. With respect to suggestions for future work in ILO's specialized field, the Director-General, in his report to the 81st Session of the International Labour Conference entitled "Defending Values, Promoting Change - Social Justice in a Global Economy: An ILO Agenda", had set out prospects for the promotion and supervision of basic social rights.

63. The World Bank reported that in September 1993 it had established the World Bank Inspection Panel. The purpose of the Panel was to provide independent judgement to help resolve major differences in cases where it was asserted that rights and interests of parties were adversely affected because the Bank had failed to follow its operational policies and procedures in the design, appraisal or implementation of its operations. The establishment of the Inspection Panel contributed to the development of international law in three ways. First, it constituted a further extension of procedural rights to entities other than States in international law. In this case, the beneficiaries of such extension were likely to be locally organized groups directly affected by Bank-financed projects. Second, the procedural rights given to such groups related to actions of an international organization. Traditionally, extension of procedural rights to entities other than States have concerned actions of States, particularly in the area of human rights or, in the case of ICSID, the law of international investment. Third, to the extent that the Inspection Panel's function extended to projects financed through trust funds administered by the Bank, secondary trust beneficiaries - locally affected groups - would be entitled to invoke the Bank's fiduciary duties as the trustee of such funds, in so far as such duties were embodied in the policies and procedures reviewed by the Panel. This might bring the international law of trust a step closer to domestic trusts as known under common law.

64. FAO stated that the FAO Conference had endorsed the Principles of Plant Quarantine as Related to International Trade and adopted the International Code of Conduct for Plant Germplasm Collecting and Transfer in November 1993. The Conference had further approved the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which was founded on a statement of responsibility of flag States for the activities of fishing vessels flying their flags, including requirements for authorization of fishing taking place on the high seas, preventing fishing vessels from undermining international conservation and management measures, and information exchange on the existence, authorization and activities of fishing vessels operating on the high seas. The Agreement was intended to form an integral part of the International Code of Conduct for Responsible Fishing, expected to be adopted by the FAO Conference in 1995.

65. IMO pointed out that the preparation of a draft international convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea continued to be a priority subject in the work programme of the IMO Legal Committee, and was expected to be submitted to a diplomatic conference in 1996. The IMO Legal Committee was continuing its consideration of a possible revision of the Convention on Limitation of Liability for Maritime Claims, 1976. IMO further stated that the Conference of

Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, held in May 1994, had adopted amendments to article VIII and to the Annex to the Convention. A Conference of Contracting States would consider in October-November 1994 a new Annex on the Prevention of Air Pollution from Ships to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. The topics for future work of the IMO Legal Committee would possibly include a draft convention on offshore mobile craft; the issues of wreck removal and of arrest of ships; and a draft convention on civil jurisdiction, choice of law and recognition and enforcement of judgements in matters of collision at sea.

66. The International Bureau of the PCA observed that a Conference of the Members of the Court was convened in The Hague on 10-11 September 1993 and adopted, inter alia, a resolution inviting the Administrative Council of the PCA to authorize the Secretary-General of the PCA, in preparation of the centennial of the First Hague Peace Conference, to appoint a broadly based Steering Committee which would make recommendations concerning the possible revision of the 1907 Hague Convention.

67. The ICRC noted that the remarks made by it at the Assembly's forty-eighth session 3/ remained valid, in particular as regards the promotion of international humanitarian law and its progressive development as well as its implementation and dissemination. The ICRC indicated that it intended to follow-up the work of the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993) 4/ regarding the development of international humanitarian law in such important areas as the environment and war at sea. It would also continue to be active in connection with the Review Conference of 1980 Convention on Prohibitions and Restrictions on the Use of Certain Weapons, 5/ particularly regarding the issue of prohibition or restriction of the use of anti-personnel mines.

68. The Inter-Parliamentary Union pointed out that the 90th Inter-Parliamentary Conference, held in Canberra from 13-18 September 1993, called upon the ICRC to assist in the preparations for a conference to re-examine the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, so as to study the problems of weapons which blind and mines which mutilate civilians. The Conference also called on States to negotiate a separate body of humanitarian law dedicated to the effective protection of peace-keepers and peacemakers. Furthermore, the Conference called on governments and the United Nations to give unequivocal support to the ILC's work regarding the statute of an international criminal court and relevant articles of the draft Code of Crimes against the Peace and Security of Mankind. In addition, the Conference called for the elaboration of a convention against expulsion and displacement of populations complementary to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, effectively banning such displacements and making them punishable under international law.

69. The International Institute of Humanitarian Law indicated that, in 1987, it had appointed a group of experts to examine the present state of the law of naval warfare and determine in which domain it should be completed or developed. The experts adopted a final document on "International Humanitarian Law Applicable to Armed Conflicts at Sea" with its explanatory document at a meeting

in Livorno, Italy, in 1994. The text of these documents would be published by the Institute and widely disseminated.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

70. Germany reported that it contributed DM 10,000 a year to the ILC seminar in Geneva under the United Nations Programme of Assistance. The latter amount was recently doubled in order to finance specific projects during the United Nations Decade of International Law.

71. Romania reiterated its view that there was a need to increase the effectiveness of the activities of the Advisory Committee for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

72. UNITAR observed that more than 87 applications from 49 countries had been received in 1994 for The Hague Fellowship Programme organized under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. There were 18 fellowships available under the Programme. UNITAR further strongly hoped to be in a position to resume regional refresher courses under the Programme of Assistance and drew attention in this regard to paragraph 16 of General Assembly resolution 48/29 of 9 December 1993, urging all Governments to make voluntary contributions for that purpose.

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* Under paragraph 1 of this section of the programme, States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose*

73. Croatia pointed out that international law, both public and private, was a compulsory subject (at the undergraduate level) at all four law schools in the country. At the Zagreb Law School, special courses in the law of the sea and the law of international organizations were also offered. Furthermore, for three decades, a post-graduate study programme in international law had been offered at the Zagreb Law School. International law was also taught at the post-graduate level in international relations at the Faculty of Political Sciences in Zagreb. For fifteen years, a special post-graduate programme on the law of the sea had been offered at the Split Law School. Elementary and secondary schools, in cooperation with the Council of Europe, had been encouraged to teach about human rights. The recently published Album on Human Rights adjusted to this age group could be used for this purpose. The Inter-University Centre for Postgraduate Studies of Dubrovnik, whose members were 230 universities from around the world, offered its regular course on the law of the sea at the Zagreb Law School (31 May-4 April 1993) with lecturers from Italy, Norway and Croatia. The next course would take place in September 1994, in the reconstructed Centre building in Dubrovnik.

74. Germany indicated that 14 of its universities had chairs of international law. In addition, public law courses in about 20 university law departments included lectures on international law. In most German states international law was a compulsory subject for law students but could also be taken as a specialized optional subject. Special attention was given to the provision of courses in international law at eastern Germany's institutions of higher education. Germany further stated that students in its universities were

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* Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 6, cooperation among developing countries, as well as between developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

becoming increasingly interested in international law. There were various well-equipped international law libraries in Germany possessing between 3,800 and 100,000 monographs, treatises and other publications. The largest German library was owned by the Max Planck Institute for Comparative Public Law and International Law (MPI) in Heidelberg, which also played an important role in mutual assistance and exchange of experience in the field of international law. Academic conferences in Heidelberg attended by foreign speakers and visitors were complemented by similar visits abroad by MPI staff, as well as lectures at foreign universities and the distribution of foreign language publications outside Germany. In cooperation with national institutions, Germany had donated the Encyclopedia of Public International Law, issued by MPI, to 17 institutions in different countries. The German Academic Exchange Service (DAAD) was also making its specific contribution to the Decade by offering annual scholarships to foreign postgraduates. In addition, German students were given the opportunity to do postgraduate work at The Hague Academy of International Law. The DAAD awarded 14 scholarships of this kind in 1993. In addition, it had made available for 1993/1994, under its project entitled "Young Jurists Studying in Geneva and Lausanne", 35 scholarships for the study of international law abroad which counted towards recipients' law courses in Germany. Tangible assistance for the dissemination of international law in the southern hemisphere was further provided through, inter alia, the Federal Ministry for Economic Cooperation and Development, which arranged for specialists to run courses in those regions. Finally, Germany provided financial support for research and teaching in international law, in particular by a yearly contribution of DM 40,000 to The Hague Academy of International Law.

75. Malta indicated that international law was a compulsory course for all students attending the Mediterranean Academy for Diplomatic Studies.

76. Romania pointed out that eight State institutions of higher education and over 20 private universities and institutions currently offered international law courses. Cooperation had also intensified between Romanian and other European institutions of higher education, such as The Hague Academy of International Law, the University of Florence and the European University Centre at Nancy, and many students took advantage of the legal training offered at these institutions.

77. Saudi Arabia reported that its universities were establishing specialized centres in international law, particularly international humanitarian law. International law was also part of the curricula of the faculties of administration and political science and military colleges.

78. UNEP observed that, it would provide, beginning in 1996, assistance to law faculties of universities in developing countries regarding the elaboration of curricula on environmental law, including international environmental law.

79. The European Space Agency stated that the European Centre for Space Law (ECSL) had organized in September 1993 the Second Summer Course on Space Law and Policy in Toulouse and would organize the Third Summer Course in September 1994 in Granada. The course was an introduction to the law of space activities, and was intended for students who were in the third year of their law studies or above, and who had studied public international law or space law. Moreover,

ESCL had prepared a book entitled ESCL Space Law and Policy Summer Course, Basic Materials.

80. The Hague Academy of International Law indicated that the 1995 general course on public international law would be entitled "International Law at the Fiftieth Anniversary of the United Nations". It further stated that each year the programme of post-graduate scholarships gave some six graduate jurists from developing countries the opportunity, at the Academy's expense, of spending either two or three months in The Hague completing their theses. They received advice from the Academy's lecturers and made use of the Peace Palace library, which had one of the largest collections of literature on international law in the world.

81. The Institute of International Law observed that the Committee established in 1991 to consider the question of the teaching of international law was continuing its work under the guidance of its Rapporteur, Prof. Ronald St. John Macdonald.

82. The IAF reported that the International Institute of Space Law organized every year "Manfred Lachs Space Law Moot Court Competitions" for university teams of students from different countries. In 1993, this competition had dealt with a case concerning the commercial exploitation of the moon and in 1994 it dealt with a case regarding international space stations, intellectual property rights and liability for damage.

3. Organization of and participation in international and regional seminars and symposia for experts on international law*

83. Croatia stated that the following meetings had taken place during 1993-1994 in that country: an international "Conference on the Effects of War on the Environment" was held in Zagreb from 15-17 April 1993; the Conference of the International Union for Protection of Nature (IUCN) was held in Rovinj in April 1994; the seminar "Human Rights, Rights of National and Ethnic Communities or Minorities and the Rights of Refugees" was held at the Faculty of Political Sciences in Zagreb from 7-9 June 1994; a seminar on the rights of convicts organized by the Council of Europe was held on 22 April 1994.

84. Germany indicated that the Max Planck Institute for Comparative Public Law and International Law held several colloquia each year on foreign public law and international law.

85. Japan reported that it had hosted in Tokyo, from 17 to 22 January 1994, the 33rd annual meeting of the Asian-African Legal Consultative Committee. In addition, on 8 April 1989, the United Nations Association of Japan hosted a symposium with the theme "The Future of the United Nations and a Reconsideration

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* Under paragraph 4 of this section of the programme, States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

of the Charter of the United Nations," at which the former Ambassador of Japan to the United Nations, Mr. Shizuo Saito delivered the commemorative lecture.

86. Malta observed that the Mediterranean Academy for Diplomatic Studies had organized a colloquium on the legal protection of the environment beyond the limits of national jurisdiction.

87. Qatar pointed out that it had organized, in cooperation with AALCC, an international law conference in Doha, from 22 to 25 March 1994. 6/ It also transmitted the text of the "Doha Declaration on Priorities for Progressive Development of International Law to Meet the Challenges of the 21st Century".

88. Romania stated that the Crans-Montana Forum was organized under the auspices of the Romanian Institute for International Studies from 21 to 24 April 1994 in Bucharest and attended by nine heads of State or Government and more than 1,500 world political figures. Topics such as "Parliamentary diplomacy in the new Europe", "Preventive diplomacy: peace-keeping and peace-building", and "The European Free Trade Association and Central and Eastern Europe" were on the agenda for the Forum. Moreover, the Romanian Association for Law and International Relations (ADIRI) held symposia and round tables on "External priorities of the European Union after the entry into force of the Maastricht Treaty", "International negotiations: preventing and solving conflicts", "Romania and the dynamics of European integration" and "Recent changes in international law". In addition, the Romanian Human Rights Institute (IRDO) held seminars on such legal topics as "The people's advocate: ideal and reality" (3 March 1993); "International Day for the Rights of the Child" (10 October 1993); "International texts for the protection of human rights" (16 December 1993); and "Human rights and international law" (9 March 1994). The Romanian Association for Humanitarian Law held discussions in Romania on such topics as "Human rights and the activities of public security forces" and "Humanitarian problems in the new Europe".

89. The United Kingdom reported that the British Institute of International and Cooperative Law had launched, in September 1993, a major series of public international law lectures to mark the United Nations Decade of International Law on "The Changing Constitution of the United Nations". In view of the success of the series, the Institute had decided to proceed with a second series of single lectures on "Current Legal Problems at the United Nations". It was proposed, inter alia, to hold lectures related to United Nations military activity, dealing with aspects of the application of the laws of armed conflict to United Nations multinational operations and violations of military discipline by United Nations forces, and the role of legal advisers at the United Nations. Furthermore, during 1993/1994, the Institute organized regular discussion group meetings on the law of armed conflict, in particular the law of naval warfare, international economic law and human rights. In addition, four conferences had been held during that period on the following topics: economic sanctions, reservations and objections to human rights conventions, effectiveness in international law, and third parties in international law.

90. Saudi Arabia indicated that its universities and institutes of learning organized lectures, seminars and study groups on many topics of international law, particularly international humanitarian law.

91. UNEP stated that, together with UNITAR and UNCHS, it would organize a global environmental law seminar in Nairobi in March 1995. This seminar would, among others, address international environmental law issues.

92. UNCTAD observed that it organized from time to time seminars and workshops for participants from developing countries in the field of international trade, investment and technology, and in particular, on restrictive business practices, maritime and multimodal transport of goods, investment and technology.

93. FAO stated that it had hosted the most recent meeting of the International Waters Committee of the International Law Association from 10 to 12 February 1994.

94. ICAO reported that it organized a number of regional legal seminars on the international legal work of the Organization and would continue this activity in 1994 and 1995. Furthermore, the 29th Session of the ICAO Legal Committee, which would be held in Montreal from 4 to 15 July 1994, would address a number of subjects in the field of international law. A World-wide Air Transport Conference on International Air Transport Regulation - Present and Future, organized by ICAO, would be convened in Montreal from 23 November to 6 December 1994.

95. ILO indicated that it had organized every year a number of seminars and symposia regarding international labour standards, such as the international symposium on the role of worker's education in the promotion of trade union rights (October 1994), a meeting of experts on maritime labour standards (November-December 1994) and various regional seminars.

96. The CSCE reported that its Office for Democratic Institutions and Human Rights had conducted a number of seminars and meetings touching upon various aspects of international law, such as the Seminar on Migration, held in April 1993, the Seminar on Case Studies on National Minorities Issues: Positive Results, held in May 1993, and the Seminar on Migrant Workers, held in March 1994.

97. The ESA reported that, in April 1993, it had organized the First European Conference on Space Debris, in Darmstadt, Germany. Moreover, ECSL had organized a number of colloquia and workshops in 1993 and 1994, such as the International Colloquium on "The implementation of the ESA Convention - lessons from the Past" (October 1993, Florence), the workshop on "Recent developments in the field of protection and distribution of remote-sensing data" (April 1994, Noordwijk) and the planned workshop on "Intellectual property rights and space activities - a world-wide perspective" (December 1994). ESCL was also participating in research projects on the legal protection of remote-sensing data and intellectual property rights in outer space.

98. AALCC indicated that, in active cooperation with the Government of Qatar, it had organized in March 1994 an international conference on the international legal issues arising under the United Nations Decade of International Law. The Conference furnished a forum for an informal exchange of views on such matters of public international law as the law of the sea, the peaceful settlement of disputes, the new international economic order and the new international

humanitarian legal order, including the question of the establishment of safety zones. Moreover, a special meeting on developing institutional and legal guidelines for privatization and post-privatization regulatory framework was convened during the thirty-third session of AALCC, held in Tokyo in 1994.

99. Also referring to the Doha Conference, ICRC indicated that the participants had extensively discussed the main topics relating to the environment, that there were several statements and informative debates on the theme of protection of the environment in times of armed conflict and that the ICRC presented a comprehensive document which was taken into account in the drafting committee of the Final Declaration adopted by the conference.

100. The ICRC also pointed out that, although 1994 had seen fewer meetings devoted to the protection of the environment in times of armed conflict, the issue was still of topical interest and that there had been much research work, not to mention extensive exchanges of information and requests for documents on the subject. The ICRC noted that academic circles in various countries were continuing to show considerable interest in environmental protection in times of armed conflict. The proceedings of meetings of experts, ICRC reports to the General Assembly and relevant Assembly resolutions had been analysed and commented upon. Other work of a similar nature was currently under way, and it was expected that scientific and academic circles would pursue their research and studies on the subject. The ICRC had always responded as far as possible to requests for assistance, by advising those engaged in research work and by supplying them with any relevant materials in its possession.

101. The ICRC further indicated that it was pursuing its efforts to ensure the widest possible dissemination of information on its activities relative to the protection of the environment in times of armed conflict, in particular by summarizing them in its annual reports. These brief accounts had proved extremely useful, as at times they provided the only basic reference enabling people wishing to obtain further information to contact the ICRC. In view of the considerable demand for more detailed documents, the ICRC had widely distributed all its reports on the subject and in particular the report submitted to the latest session of the General Assembly. The ICRC not only issued specific information by virtue of its mandate but also received data on the various aspects of environmental protection. In particular, it was always kept abreast of conferences and meetings organized under the auspices of UNEP and received the documents describing the Programme's various activities.

102. The ICRC also indicated that, at the initiative of the Sierra Club Legal Defense Fund, a meeting of experts was convened in May 1994 at the European headquarters of the United Nations in Geneva for consultations on the report drawn up by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights on the subject of human rights and the environment. 7/ The Special Rapporteur had also presented a draft document entitled "Principles and Guidelines on the Right to a Healthy Environment". The ICRC representative had informed the meeting of work done with regard to the protection of the environment in times of armed conflict, emphasizing the complementarity between efforts deployed in this field and the points contained in the draft declaration.

103. On the subject of conventional weapons of a nature to cause superfluous injury or unnecessary suffering or to have indiscriminate effects, the ICRC had convened meetings of experts on mines in 1993 and 1994. During the Symposium held in Geneva in January 1994, military experts had examined three main aspects of the use of anti-personnel mines: the military utility of mines, alternative solutions, and methods of controlling the use and effects of these weapons. The military experts had adopted a number of recommendations for consideration by the Group of Government Experts preparing for the Review Conference of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. At the invitation of the Secretary-General of the United Nations, the ICRC took part in the Group's preparatory meetings in Geneva and, in particular, proposed the adoption of regulations prohibiting or restricting the use of anti-personnel mines. The ICRC also participated in a Symposium convened in New York in April 1994 by the Council of Foreign Affairs under the title "Solutions to the Landmine Crisis".

104. In view of the challenges raised by the development of new weapons, the ICRC, in the framework of its efforts to alert the international community to the humanitarian implications of those weapons, convened a meeting of experts in Geneva on 31 May and 1 June 1994, in response to the request addressed to it by the Group of Government Experts to prepare working documents proposing amendments to the various sections of the 1980 Convention, and not only to the section concerning anti-personnel mines. The meeting discussed blinding laser weapons, small-calibre weapon systems, naval mines, microwave and infrasound weapons, allegedly non-lethal chemical weapons and the dangers inherent in the misuse of results of genetic research.

105. The ICRC would compile a report on the experts' conclusions, including proposals which it would submit to the next meeting of the Group of Government Experts scheduled for August 1994 in preparation for the Review Conference of the 1980 Convention. The ICRC also indicated that it would continue its cooperation with various institutions regarding the protection of the environment in times of armed conflict. Contacts and consultations were planned with such bodies as UNESCO and IUCN and would be devoted in whole or in part to this issue. Other more extensive contacts should be envisaged, especially to examine the applicability of instruments relating to the environment in times of armed conflict.

106. The Hague Academy of International Law observed that it had scheduled a workshop on "The Convention on the Prohibition and Elimination of Chemical Weapons: A Breakthrough in Multilateral Disarmament", to be held in the Peace Palace in The Hague from 24 to 26 November 1994.

107. The International Institute of Humanitarian Law indicated that, in 1993, it had organized a round table in San Remo on the following distinct but interrelated issues: the role of the competent United Nations bodies in the implementation of international humanitarian law, the protection of civilian populations of States which are under embargo measures and the implementation of international mechanisms for war crimes with the creation of an international jurisdiction. A further round table on "Conflict Prevention - The Humanitarian Perspective" was planned from 29 August to 2 September 1994 to consider three current problems: how to stimulate political will and action in the area of

conflict prevention, how to promote United Nations peace keeping and peace-building efforts, the promotion and implementation of human rights, humanitarian law and refugee law. Other meetings organized by the Institute included: a 1993 meeting of European experts on "The Challenge of Becoming Refugee Receiving Countries" (Prague), a 1994 International Symposium on the Protection of Refugees in Central and Eastern Europe (Sofia), a 1994 meeting of experts on "Conflict Prevention - The Humanitarian Perspective" (New York), and a 1994 Workshop on International Law and Nationality Laws in the Former USSR (Divonne).

108. The International Astronautical Federation indicated that the next colloquium of the International Institute of Space Law, to be held in 1995 in Oslo would have the following topics on its agenda: legal issues arising from recent technical studies relating to space debris; recent developments in the law of intergovernmental organizations dealing with outer space matters; legal aspects of commercial space activities and other legal matters.

4. Training in international law for legal professionals and government officials organized by States and international organizations*

109. Croatia reported that two special courses for members of diplomatic and consular missions and for the employees of the Ministry of Foreign Affairs had been organized by the Ministry of Foreign Affairs and the Zagreb Law School. A permanent programme of education, including international law, for the employees of the Ministry of Foreign Affairs was being prepared at the present time.

110. Germany stated that international law was part of the training given to young diplomats in the Foreign Service and to officers in the Federal Armed Forces. Moreover, the Federal Foreign Office organized seminars for young diplomats from central and eastern Europe on general international law, the law of international organizations and human rights, among other topics.

111. Romania reported that the cycle of training and professional development seminars for young diplomats organized by the Ministry of Foreign Affairs in cooperation with the Ministry of Education and the Romanian Institute for International Studies was continuing. Moreover, in order to ensure a better understanding of international treaties and General Assembly resolutions on the protection of the environment in cases of armed conflict, the Romanian Ministry of Defence established a pilot centre for international humanitarian law in the Ploiesti region, to provide advanced training for military officers on active duty as well as those with present or future responsibilities in that field.

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* Under paragraph 5 of this section of the programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

112. Saudi Arabia indicated that international law was among the courses taught at the Institute of Diplomatic Studies of the Ministry of Foreign Affairs. A number of topics were covered by the courses, including law of the sea, international arbitration, settlement of disputes, diplomatic and consular functions and international economic institutions.

113. UNITAR observed that it provided training to legal professionals in a variety of fields. The UNEP/UNITAR Training Programme in environmental law and policy, conducted in association with UNCHS, aimed at inspiring a greater interest in and commitment towards the use of environmental law as an instrument for translating sustainable development policies into action. The next Programme was scheduled for April 1995. The Training Programme in debt and management sought to provide training in legal aspects of debt and financial management in countries of Sub-Saharan Africa, the Newly Independent Central Asian Republics, and North and South Asia, as well as establish facilities in selected countries to provide training on a continuing basis, both nationally and subregionally. The objective of the seminars was to focus on the legal elements in the overall process of international loan negotiations and to deal in particular with those clauses in a loan agreement which were most relevant to the borrower and on which improvements could be sought in its favour. The UNITAR-IPA Fellowship Programme in Peacemaking and Preventive Diplomacy offered advanced training in conflict analysis, negotiation and mediation to international and national civil servants who wished to learn or refine these skills. The programme was based on the latest knowledge in the field and was taught by experts from both academic and applied settings, including current and former United Nations Secretariat staff. UNITAR also organized, in conjunction with the legal division of GATT, workshops on procedures for the settlement of commercial disputes of GATT, open to members of Permanent Missions dealing with such issues.

114. UNEP observed that it had initiated training of government officials from developing countries to enhance their capacities in dealing with international environmental law, including the implementation of the conventions and guidelines concluded under the auspices of UNEP.

115. ILO reported that it had organized a training session on ILO standards and procedures for human rights non-governmental organizations (NGOs) attending the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities (Geneva, 3-4 August 1994).

116. IMF stated that it had hosted in 1994 its biennial seminar for legal advisers of central banks on current legal issues affecting central banks. The seminar dealt with various aspects of international monetary and financial law, including certain legal aspects of Fund operations and transactions and members' obligations under the Articles of Agreement.

117. The CSCE indicated that its Office for Democratic Institutions and Human Rights had arranged training programmes for legal professionals (in 1993) and judges (in 1994) from newly admitted participating States.

118. The AALCC stated that the International Atomic Energy Agency (IAEA) had agreed to collaborate with the Committee in the organization of a training

programme on nuclear law for junior and medium-level officials of the member States of the AALCC.

119. The Hague Academy of International Law indicated that under its External Programme, teams of some eight professors went every year to a developing country in a particular region of Asia, Africa or South America, where they gave advanced lectures on general subjects relating to international law and subjects of special importance to the region concerned. The participants in the sessions, which lasted three weeks, were young professors, diplomats and senior civil servants. Moreover, since 1991, four courses on human rights for practitioners were being organized in the framework of the Academy. The purpose of these courses was to provide legal practitioners from Asia, Africa, South America and Eastern Europe with information on and training in the legal theory and practice of the promotion and protection of human rights on the basis of international human rights instruments. The target groups for these courses were judges, public prosecutors, practising lawyers and those civil servants who were in charge of certain elements of their governments' participation in international human rights procedures.

120. The International Institute of Humanitarian Law observed that it organized in 1993 and 1994 military courses on the applicability of international law in armed conflict situations, in particular international humanitarian law and human rights law, for active officers representing all regions of the world. The Institute further conducted refugee law courses for government officials responsible for the protection of refugees and displaced persons at the national level.

121. The International Astronautical Federation reported that the International Institute of Space Law regularly organized special programmes for the delegates and staff of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space during its spring sessions. In 1993 such a programme was dedicated to "Legal Issues Concerning Low Earth Orbit Communications Satellite" and in 1994 to "Legal Questions Regarding Commercial Activities in Outer Space".

5. Publication of the practice of States and international and regional organizations in the field of international law*

122. Croatia indicated that all the treaties ratified by it had been published in the Official Gazette of the Republic of Croatia. All of them had been published in the original language and in the Croatian translation. Croatia has committed itself to publishing again, within two years, all the treaties to which it became a contracting party by succession.

123. Germany observed that the Federal Constitutional Court in Karlsruhe published its decisions on matters of international law also in English.

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* Under paragraph 7 of this section of the programme, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

124. Japan indicated that it annually donated to educational and research institutions about 480 copies of "The Japanese Annual of International Law", which also included the "Annual Review of Japanese Practice in International Law". Japan also continued to support the development of information on the role played by international law in an ever-changing international environment and on the views of States regarding that role. It considered that arrangements should be devised to facilitate the sharing of such data among States.

125. Malta pointed out that the Mediterranean Academy for Diplomatic Studies had assisted the Ministry of Foreign Affairs in creating a database of international legal materials which were legally binding on Malta. Furthermore, the Academy was prepared to make available its expertise and experience in creating databases containing international legal materials, compile a directory of other known databases relevant to international law and make available its expertise and work on projects related to the creation of knowledge-based systems (KBS) that would capture expertise in international law. KBS would be based on the database of international law and would assist officials and other specialists, mostly from developing countries and countries with limited expertise in working on international legal issues, by using modern technology.

126. Switzerland and the Council of Europe indicated that the Committee of Legal Advisers on Public International Law of the Council had launched in May 1994 a pilot project concerning State practice relating to State succession and issues of recognition. The aim of the project was to ascertain whether it was possible to initiate the collection of data on State practice in the Council of Europe Member States in the above-mentioned areas and subsequently to make it accessible to Member States of the Council of Europe. This would encourage Member States whose State practice was not documented at present to start building a collection in this field. If both objectives proved feasible, the project could later be extended to other areas of international law. The final aim was to present, on behalf of the Council of Europe, a publication on the State practice of the Members of the Council of Europe as a contribution to the United Nations Decade of International Law.

127. UNESCO pointed out that it had drafted a memorandum on the organization's standard-setting activities for the twenty-seventh session of the General Conference, which gave an exhaustive account of the organization's current and future normative action. It also included the findings of the study by Professor Pierre-Michel Eisemann, based on a survey conducted among member States regarding UNESCO's normative work - analysing existing and future standard-setting instruments, their promotion and follow-up procedures. Moreover, a special issue of the magazine UNESCO Sources, devoted to the Organization's normative activities would soon be published.

128. WHO observed that its Regional Office for the Eastern Mediterranean, in cooperation with Member States, would consider the development of "health legislation country profiles" which would provide a brief listing and analysis of the major health and health-related laws and regulations in each country of the region. The Regional Office for the Americas, in cooperation with other institutions, had already established a database on health legislation of the countries of the region, thereby assisting in the development of national as well as international health laws.

129. IMF indicated that it published regularly updated versions of the decisions of its Executive Board, and published every year the resolutions of the Board of Governors.

6. Publication by States and international organizations of international legal instruments and legal studies*

130. Croatia pointed out that the magazine Contributions to the Comparative Study of Law and International Law published by the Institute for International and Comparative Law of the Zagreb Law School would temporarily become the official organ of the Croatian International Law Association until the conditions for publishing its own magazine, probably an annual for international law, are fulfilled. Moreover, proceedings of expert meetings held in Croatia were also published.

131. Germany observed that prominent among the large number of writings and textbooks on international law in Germany was the Encyclopedia of Public International Law issued by the Max Planck Institute and the C.H. Beck Verlag. First published in English in 1989, in 12 volumes, the first of four volumes of the Library Edition was now available in English. The other volumes were in preparation. This was probably the most comprehensive reference work on international law in the world. Another important reference work was the German-language commentary on the Charter of the United Nations, Charta der Vereinten Nationen. This publication, too, was to be published in English. Another Beck-Verlag publication was the Handbuch der Vereinten Nationen (United Nations Handbook), an English edition of which would also be available. The German Yearbook of International Law was published in English as well. Such publications in foreign language helped in the dissemination of works of distinguished scholars. Germany further reported that some of the non-university research centres in that country regularly published essays on international law. It referred in particular to the publications of the German Society for International Law. Germany also highlighted the role of publishing houses which regularly issued monographs on international law and provided considerable support to academic institutions.

132. Japan pointed out that, during the first term and again during the second term of the Decade, it had distributed a pamphlet entitled "United Nations Charter" issued by the United Nations Association of Japan, to which the Government extended financial support.

133. Romania indicated that two new international law manuals and a book entitled Introduction dans le droit international spatial (Introduction to International Space Law) were published in 1993. In 1994, Le Droit des Traités (Treaty Law) was published in two volumes. In addition, the Romanian Human Rights Institute issued the following publications: Les droits de l'homme:

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* Under paragraph 8 of this section of the programme, States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

religion de cette fin de siècle (Human rights: religion of the end of this century), Les réfugiés et leur statut juridique (Refugees and their legal status), Droits des personnes appartenant aux minorités nationales (Rights of members of national minorities) and Cadre législatif et institutionnel pour les minorités nationales de Roumanie (Legislative and institutional framework for the national minorities of Romania). It also published the quarterly Human Rights.

134. The United Kingdom reported that the British Institute of International and Comparative Law continued to publish the International and Comparative Law Quarterly. Moreover, the Institute had published in 1993 the following two studies: Effecting Compliance (Armed Conflict Series) and Aspects of Incorporation of the European Convention on Human Rights; and had planned two publications for 1994/1995: The Changing Constitution of the United Nations and Reservations and Objections to Human Rights Conventions. Most of the publications were the result of conferences and discussions held at the Institute. In cooperation with other institutions, the Institute had participated in a research project on the practical operation of the rules for the reception of treaties, of the law derived from international organizations and the European Community, and general international law into domestic law, which was to be published shortly. Currently, the Institute was undertaking a study on the feasibility of an international criminal court, in light of the renewed interest in an International Criminal Court and the subsequent establishment by the Security Council of the international tribunal for violations of international humanitarian law in the former Yugoslavia.

135. FAO observed that its Legislative Study No. 50, Treaties concerning the non-navigational uses of international watercourses - Europe, had been published. Additional publications covering international watercourses in Asia, the Americas and Africa were also being prepared. In 1993, FAO had published two studies relating to fisheries legislation prepared by the Legal Office: Coastal State Requirements for Foreign Fishing and Regional Compendium of Fisheries Legislation - Western Pacific Region.

136. UNESCO indicated that it had published in 1993 a compendium entitled: "Human Rights: principal international instruments (as of 31 March 1993)", which comprised the instruments adopted by the United Nations, its specialized agencies and other international and regional organizations.

137. As a contribution to the 1993 United Nations World Conference on Human Rights, WHO had published a study entitled Women's Health and Human Rights - The Promotion and Protection of Women's Health through International Human Rights Law as well as a document entitled Health as a fundamental human right and a worldwide social goal. WHO had further published a comparative study of legislation on The Rights of Patients in Europe.

138. ILO reported that the second edition of the ILO computer-based system of Conventions and Recommendations and recent practice of ILO supervisory bodies (ILOLEX) was issued at the beginning of 1994. The new edition had undergone important technical improvements so as to facilitate research work. Between 1992 and 1993, around 13,000 new documents were entered into the ILOLEX

database, which now held 50,126 complete documents. ILO had organized various information seminars on ILOLEX.

139. The AALCC stated that it continued to publish the reports of its annual sessions, including studies prepared by the Secretariat on some select topics. The Committee was further planning to publish the proceedings of the special meeting on developing legal and institutional guidelines for privatization and post-privatization regulatory framework, held in Tokyo in February 1994.

140. The International Bureau of the Permanent Court of Arbitration indicated that the proceedings of the Conference of the Members of the Court, held in The Hague on 10-11 September 1993 had been published and were available from the International Bureau.

141. The European Space Agency observed that ESCL published the proceedings of its colloquia and workshops, as well as the works of the recipients of the ESCL award. ESCL further continued the publication of its Newsletter.

142. The Hague Academy of International Law observed that, in addition to the Recueil des Cours, it published the results of its workshops.

143. The International Astronautical Federation reported that the International Institute of Space Law also published the proceedings of its colloquia and round tables.

7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof*

144. The Inter-American Court of Human Rights reported that it published official bilingual publications of its judgements and advisory opinions.

145. The European Court of Human Rights observed that it published a brochure entitled Survey of Activities/Apercus, which, inter alia, summarized thematically the subject-matter of cases referred to the Court. The first volume of this brochure, covering the years 1959-1991, was published in January 1992; the second volume, covering the year 1992, in early 1993; the third volume, covering the year 1993, was due shortly. It was the Court's intention to continue publishing an annual update. In addition, each judgement delivered by the Court was preceded by a short analytical summary prepared by the registry. This practice was introduced in 1982.

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* Under paragraph 9 of this section of the programme, international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook*

146. UNEP reported that the texts of the international legal instruments concluded under its auspices, including environmental conventions and guidelines, had been published and widely disseminated to governmental organizations, and upon request, to universities, research institutions and students.

147. UNESCO indicated that a new edition of the compendium entitled Standard-Setting Instruments of UNESCO would be published in 1994.

148. Publication of the United Nations Juridical Yearbook has been resumed after an interruption owing to the financial crisis. The 1982, 1983, 1984, 1985, 1990 and 1986 editions came out in 1989, 1990, 1991, 1992, 1993 and 1994, respectively and the 1991 edition is in the press. The calendar of production of subsequent editions provides for the submission of the 1987 and 1992 editions to the printers by the end of 1994 and of the 1988, 1989 and 1993 editions in 1995. This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1995, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

149. The United Nations has completed the elimination of the backlog in the production of volumes of the United Nations Treaty Series and is now back on a regular schedule of production for the 1994-1995 biennium, i.e. 40 volumes per year.

150. The Office of Legal Affairs is actively pursuing its programme of computerization of the Treaty Series. It has received funding for this biennium from the General Assembly to put the text of the Treaty Series on optical disk and to provide on-line access of text and editorial data to Member States and others. This project should be completed by the end of 1995 and works in conjunction with the Super-automated index of treaties registered with the Secretariat.

151. The publication Multilateral Treaties deposited with the Secretary-General, Status as at 31 December 199 , which is now computerized, will be tested for on-line access by Member States and other users in the course of 1994, as planned.

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* Under paragraph 10 of this section of the programme, international organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

E. Procedures and organizational aspects

1. The role of the Sixth Committee of the General Assembly of the United Nations

152. None of the replies received addressed this question.

2. The United Nations Congress on Public International Law*

153. The Nordic countries expressed the view that the time had come to consider more operational activities uniting the whole world community in an effort to translate the main ideas of the Decade into one or more concrete projects, furthering justice and peace in international relations based on the concept of the rule of law. One such operational activity was the Congress to be convened in March 1995 in New York under the theme "Towards the twenty-first century: International law as a language for international relations". The Nordic countries looked forward to participating in the Congress and regarded this event as an excellent occasion on which to register the wishes of representatives of the legal community of the world with regard to the aims and direction of the second half of the Decade, including any major concluding project setting the lead and tone of an international legal order in the twenty-first century. According to the Nordic countries, the many interesting ideas which had already surfaced from various quarters could be merged into one, or at the most two, projects on which concrete action could be taken during the remainder of the Decade.

154. The AALCC pointed out that its secretariat would strive to render whatever assistance it could in preparing for and participating in the United Nations Congress on Public International Law. To that end, the secretariat was examining the viewpoints of the member States of AALCC on the purpose and object of the proposed Congress. The secretariat of AALCC would endeavour to make its modest contribution to the identification, development, and codification of legal principles and norms that will govern harmonious inter-State relations in the coming millennia.

155. ICRC observed that the United Nations Congress on Public International Law would enable it to draw attention to the relation between international humanitarian law and public international law in general.

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* By paragraph 10 of General Assembly resolution 48/30, the General Assembly decided that a United Nations Congress on Public International Law should be held in 1995.

3. Establishment of national, subregional and regional committees for implementation of the programme*

156. None of the replies received addressed this question.

4. The question of the provision of adequate financing for the implementation of the Decade programme**

157. ILO noted that its programme and budget for the present financial biennium (1994-1995) did not contain any provision for making financial contributions for the implementation of the Decade programme. ILO would, however, be prepared, if so requested, to contribute in kind to facilitate the implementation of the programme.

III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

A. The law relating to human rights

158. At its forty-eighth session, the General Assembly endorsed the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights (resolution 48/121 of 20 December 1993).

Commission on Human Rights - Subcommission on Prevention of Discrimination and Protection of Minorities

159. Currently, the Commission on Human Rights is working, on the basis of a study and a draft body of principles elaborated by the Subcommission, on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The Commission is also elaborating a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of visits to places of detention. The Commission is further working on an optional protocol

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* Under paragraph 5 of this section of the programme, States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade.

** Under paragraph 6 of this section of the programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on a possible optional protocol to the same Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

160. The Subcommission is currently working towards the completion of a draft universal declaration on the rights of indigenous peoples. The Subcommission is further studying a number of questions, such as the right to a fair trial, including the possibility of a third optional protocol to the International Covenant on Civil and Political Rights, the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, the recognition of gross and large-scale violations of human rights as an international crime, and human rights and the environment.

Commission on the Status of Women

161. At its forty-eighth session, the General Assembly adopted the Declaration on the Elimination of Violence against Women (resolution 48/104 of 20 December 1993) elaborated by the Commission on the Status of Women.

B. The law relating to disarmament

162. Pursuant to General Assembly resolution 48/70 of 16 December 1993, the Conference on Disarmament is now actively and intensively conducting multilateral negotiations on a universal and internationally effectively verifiable comprehensive test-ban treaty. The purpose of the ongoing negotiations is to conclude a treaty on a total ban of all nuclear test explosions in all environments for all time, thus complementing the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water of 5 August 1963.

163. The Conference is also actively pursuing its deliberations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In addition, pursuant to General Assembly resolution 48/75 L of 16 December 1993, the Conference is exploring ways and means to undertake negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fossil material for nuclear weapons or other nuclear explosive devices. Moreover, the Conference continues to deal with issues relevant to the prevention of an arms race in outer space with special emphasis on developing confidence-building measures in outer space activities. Finally, following the establishment, by the Secretary-General of the United Nations, of the Register of Transfers of Conventional Weapons, the Conference continues to address the issue of transparency in armaments with a view to elaborating universal and non-discriminatory practical means to increase openness and transparency related to excessive and destabilizing accumulation of arms, military holdings, procurement through national production and transfer of high technology with military application and weapons of mass destruction.

C. The law relating to outer space

164. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space is currently continuing, inter alia, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, as well as its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

D. The law relating to economic development

United Nations Conference on Trade and Development

165. A United Nations Conference convened in Geneva under the auspices of UNCTAD adopted on 26 January 1994 the International Tropical Timber Agreement. Moreover, a United Nations Conference on Rubber will convene in Geneva in the course of the year to draft a successor agreement to the 1987 International Natural Rubber Agreement.

E. The law relating to international trade

United Nations Commission on International Trade Law

166. The United Nations Commission on International Trade Law adopted at its twenty-seventh session a Model Law on Procurement of Goods, Construction and Services. The Commission further adopted a Guide to Enactment of the Model Law.

167. UNCITRAL also considered, at its twenty-seventh session, a draft set of guidelines for pre-hearing conferences in arbitration, which it is expected to finalize at its next session. The Commission requested its Working Group on International Contract Practices to present to it, at its next session, a draft convention on international guarantees and stand-by letters of credit, and took note of the preparation of model statutory provisions on electronic information exchange in trade by its Working Group on Electronic Data Interchange. UNCITRAL also requested its Secretariat to prepare studies in the field of cross-border insolvency and assignment of international commercial receivables.

General Agreement on Tariffs and Trade

168. On 15 December 1993, the Uruguay Round of Multilateral Trade Negotiations, held under the auspices of GATT, came to a conclusion with the approval of the Final Act. Among other major achievements was the adoption of the Agreement establishing the Multilateral Trade Organization.

F. The law relating to crime prevention and criminal justice

169. The Committee on Crime Prevention and Criminal Justice is considering the question of United Nations minimum rules for the administration of criminal justice. It is also expected to finalize at its next session draft guidelines for cooperation and technical assistance in the field of urban crime prevention.

G. The law relating to environment

United Nations Environment Programme

170. In April 1994, the Code of Ethics on the International Trade in Chemicals was concluded in Geneva as the result of a two-year consultative process organized by UNEP. The latter also continued its work on the development of a legally binding instrument for the application of the prior informed consent (PIC) procedure concerning banned or severely restricted chemicals.

171. UNEP has further undertaken work on the development of protocols to existing environmental treaties. With regard to the Convention on Biological Diversity, the first session of the Intergovernmental Committee on the Convention held in October 1993 considered, among others, the need for a protocol on biosafety. Under the Basel Convention, a draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal is being developed through the work of an ad hoc working group that held its first session in September 1993. At its Second Meeting held in Geneva in March 1994, the Conference of the Parties to the Basel Convention requested that ad hoc working group to make efforts to finalize the draft articles of a protocol on liability and compensation for consideration and possible adoption by the Third Meeting of the Conference of the Parties that will meet in late 1995. Within the framework of the Convention on Migratory Species of Wild Animals, an Agreement on the Conservation of African-Eurasian Migratory Waterbirds is being developed. UNEP has also been assisting the Parties to regional seas conventions concluded under its auspices in the development of relevant protocols to the respective conventions, addressing specific subjects such as the control of marine pollution from land-based sources.

172. UNEP has been assisting eastern and southern African countries in the development of a subregional agreement on cooperative enforcement operations directed at illegal trade in wild fauna and flora, providing a coordination secretariat for its negotiation. Conclusion of the Lusaka agreement is expected in the second half of 1994.

Intergovernmental Negotiating Committee for the elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa

173. The Committee concluded its work and adopted the above Convention on 17 June 1994.

H. The law of the sea

174. United Nations involvement in the codification and progressive development of the law of the sea was highlighted by two critical developments during 1994, one being the entry into force of the United Nations Convention on the Law of the Sea, 12 years after its adoption in 1982 by the Third United Nations Conference on the Law of the Sea. The Convention will enter into force on 16 November 1994, one year after Guyana became the 60th party to it on 16 November 1993. The other major development during the year was the adoption by the General Assembly on 28 July of an agreement aimed at resolving outstanding issues relating to the deep seabed mining provisions of the Convention, thus paving the way to universal acceptance of the Convention.

175. During 1994, prior to the entry into force of the Convention, the Secretary-General, assisted by the Legal Counsel of the United Nations, continued his informal consultations on outstanding issues related to the deep seabed mining provisions of the Convention. Those provisions had been cited by many countries, including a majority of the industrialized countries, as the main reason for their failure to ratify or accede to the Convention. The Secretary-General convened three rounds of informal consultations during the year. At the last round (31 May-3 June), the participants agreed to the text of an agreement dealing with the various contentious issues identified as problem areas in the Convention's deep seabed mining regime. The document addresses nine specific areas identified during the course of the informal consultations as the main areas of disagreement: costs to States parties; the Enterprise; decision-making; review conference; transfer of technology; production policy; economic assistance; financial terms of contracts; and the establishment of a finance committee.

176. The Agreement, known formally as the "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982", was adopted by the General Assembly in its resolution 48/263 of 28 July 1994. Forty-one States, including nearly all of the industrialized States that had previously expressed concerns with the deep seabed mining regime, and the European Community signed the Agreement on 29 July - the first day it was open for signature. The Agreement will enter into force 30 days after the date on which 40 States establish their consent to be bound by it, provided that seven of those States are among the group of States identified in resolution II of the Third United Nations Conference on the Law of the Sea as eligible for registration as pioneer investors, and that at least five of those States are developed countries. Even before its entry into force, the Agreement will be applied provisionally, opening the way to universal participation in the work of the International Seabed Authority, the body established by the Convention to administer deep seabed mining.

177. Meanwhile, the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea held its twelfth regular session at Kingston, Jamaica, from 7 to 11 February 1994, and a resumed session at New York from 1 to 12 August 1994. The Preparatory Commission continued to make final preparations for the convening of the first session of the Assembly of the International Seabed Authority, the

administrative functioning of the Authority, and for the convening of the International Tribunal for the Law of the Sea.

178. The General Assembly, in its resolution 48/194 of 21 December 1993, approved the convening in New York of two further sessions of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Conference held those two sessions from 14 to 31 March 1994 and 15 to 26 August 1994. During the two sessions, the Conference continued its work, paying particular attention to the problems related to the conservation and management of such stocks, and to the formulation of appropriate recommendations.

I. The work of the International Law Commission

Current activities

179. At its forty-sixth session, the Commission achieved major progress on two topics on its agenda. It adopted a draft statute for an international criminal court, consisting of 60 articles with commentaries, and decided to recommend to the General Assembly that it convene an international conference of plenipotentiaries to study the draft statute and to conclude a convention on the establishment of an international criminal court. The Commission also concluded the consideration of the topic "The law of the non-navigational uses of international watercourses" by adopting on second reading a complete set of draft articles, as well as a resolution on transboundary confined groundwater, and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles.

180. In the framework of the topic "Draft Code of Crimes against the Peace and Security of Mankind", the Commission started the second reading of the draft code adopted on first reading at its forty-third (1991) session. As regards the topic "State responsibility", the Commission provisionally adopted three articles on countermeasures by an injured State, proportionality and prohibited countermeasures respectively. The Commission also discussed the question of the consequences of internationally wrongful acts characterized as crimes under article 19 of Part One of the draft articles on State responsibility and the issue of pre-countermeasures dispute settlement provisions. Regarding the topic "International Liability for injurious consequences arising out of acts not prohibited by international law", the Commission provisionally adopted articles on the scope and on the use of terms as well as 10 articles constituting a complete set of provisions on prevention.

Contribution of the International Law Commission to the Decade of International Law

181. The Commission at its last session approved the plan of a publication containing studies by members of the Commission, to be issued on the occasion of the Decade. In order to minimize the costs, the Commission agreed that, at this stage, the publication would be a bilingual one and include contributions in English or in French.

182. It however recommended that the General Assembly consider the possibility of allocating funds for the issuance of the publication in all the official languages of the United Nations and that Member States in which national committees for the Decade have been established should encourage those committees to arrange for the translation and issuance in their respective languages of the publication to ensure the widest possible dissemination of the publication among scholars and students of international law throughout the world.

J. The work of the Sixth Committee

183. With respect to the progressive development of international law and its codification, the Sixth Committee, at the forty-eighth session of the General Assembly, in addition to monitoring the current work of the International Law Commission (see paras. 179-180 above), the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization (see para. 186 below) and UNCITRAL (see paras. 166-167 above), considered the draft articles on the jurisdictional immunities of States and their property, elaborated by the International Law Commission. The General Assembly decided that consultations would be held at its forty-ninth session on the framework of the Sixth Committee to continue with the consideration of issues regarding which the identification and attenuation of differences was desirable in order to facilitate the successful conclusion of a convention through general agreement. The Assembly also decided that it would give full consideration to the recommendation of the International Law Commission for the convening of an international conference on the subject (decision 48/413 of 9 December 1993).

184. The General Assembly decided, on the recommendation of the Sixth Committee, to establish an ad hoc committee to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel (resolution 48/37 of 9 December 1993). The Ad Hoc Committee met from 28 March to 8 April and from 1 to 12 August 1994. Further work on the draft convention will take place within the framework of a Working Group to be established by the Sixth Committee at the forty-ninth session of the General Assembly, in accordance with resolution 48/37.

185. As to the question of the protection of the environment in times of armed conflict, it is to be considered at the forty-ninth session of the General Assembly under the item entitled "United Nations Decade of International Law", in the light of the information provided to the Secretary-General by the ICRC on its activities in this area, in accordance with resolution 48/30 of 9 December 1993. Account has been taken of this information in the present report.

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

186. At its 1994 session, the Special Committee continued its work on the basis of the mandate contained in paragraph 3 of General Assembly resolution 48/36 of 9 December 1993. It completed the elaboration of a draft declaration on the

enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, which is before the General Assembly for consideration and adoption at its forty-ninth session. Among other topics, the Special Committee further discussed the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter as well as a proposal on United Nations rules for the conciliation of disputes between States.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 25 (A/48/25), annex.

2/ For the former version of the guidelines, see the annex to A/48/269.

3/ See A/C.6/48/SR.31, paras. 9-16.

4/ See para. 4 of General Assembly resolution 48/30 of 9 December 1993.

5/ See para. 103 below.

6/ See also paras. 98-99 below.

7/ See E/CN.4/Sub.2/1991/8 of 2 August 1991, E/CN.4/Sub.2/1992/7 of 2 July 1992, E/CN.4/Sub.2/1992/7/Add.1 of 14 August 1992 and E/CN.4/Sub.2/1993/7 of 26 July 1993.

Annex

GUIDELINES FOR MILITARY MANUALS AND INSTRUCTIONS ON THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

I. PRELIMINARY REMARKS

(1) The present Guidelines are drawn from existing international legal obligations and from State practice concerning the protection of the environment against the effects of armed conflict. They have been compiled to promote an active interest in, and concern for, the protection of the environment within the armed forces of all States.

(2) Domestic legislation and other measures taken at the national level are essential means of ensuring that international law protecting the environment in times of armed conflict is indeed put into practice.

(3) To the extent that the Guidelines are the expression of international customary law or of treaty law binding a particular State, they must be included in military manuals and instructions on the laws of war. Where they reflect national policy, it is suggested that they be included in such documents.

II. GENERAL PRINCIPLES OF INTERNATIONAL LAW

(4) In addition to the specific rules set out below, the general principles of international law applicable in armed conflict - such as the principle of distinction and the principle of proportionality - provide protection to the environment. In particular, only military objectives may be attacked and no methods or means of warfare which cause excessive damage shall be employed. Precautions shall be taken in military operations as required by international law.

G.P.I Arts. 35, 48, 52 and 57

(5) International environmental agreements and relevant rules of customary law may continue to be applicable in times of armed conflict to the extent that they are not inconsistent with the applicable law of armed conflict.

Obligations relating to the protection of the environment towards States not party to an armed conflict (e.g., neighbouring States) and in relation to areas beyond the limits of national jurisdiction (e.g., the High Seas) are not affected by the existence of the armed conflict to the extent that they are not inconsistent with the applicable law of armed conflict.

(6) Parties to a non-international armed conflict are encouraged to apply the same rules that provide protection to the environment as those which prevail in international armed conflict and, accordingly, States are urged to incorporate such rules in their military manuals and instructions on the

laws of war in a way that does not discriminate on the basis of how the conflict is characterized.

(7) In cases not covered by rules of international agreements, the environment remains under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

H.IV preamble, G.P.I Art. 1.2, G.P.II preamble

III. SPECIFIC RULES ON THE PROTECTION OF THE ENVIRONMENT

(8) Destruction of the environment not justified by military necessity violates international humanitarian law. Under certain circumstances, such destruction is punishable as a grave breach of international humanitarian law.

H.IV.R Art. 23(g), G.IV Arts. 53 and 147, G.P.I Arts. 35.3 and 55

(9) The general prohibition to destroy civilian objects, unless such destruction is justified by military necessity, also protects the environment.

H.IV.R Art. 23(g), G.IV Art. 53, G.P.I Art. 52, G.P.II Art. 14

In particular, States should take all measures required by international law to avoid:

(a) making forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives;

CW.P.III

(b) attacks on objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas or drinking water installations, if carried out for the purpose of denying such objects to the civilian population;

G.P.I Art. 54, G.P.II Art. 14

(c) attacks on works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, even where they are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population and as long as such works or installations are entitled to special protection under Protocol I additional to the Geneva Conventions;

G.P.I Art. 56, G.P.II Art. 15

(d) attacks on historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.

H.CP, G.P.I Art. 53, G.P.II Art. 16

(10) The indiscriminate laying of landmines is prohibited. The location of all pre-planned minefields must be recorded. Any unrecorded laying of remotely delivered non-self-neutralizing landmines is prohibited. Special rules limit the emplacement and use of naval mines.

G.P.I Arts. 51.4 and 51.5, CW.P.II Art. 3, H.VIII

(11) Care shall be taken in warfare to protect and preserve the natural environment. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment and thereby prejudice the health or survival of the population.

G.P.I Arts. 35.3 and 55

(12) The military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State party is prohibited. The term "environmental modification techniques" refers to any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

ENMOD Arts. I and II

(13) Attacks against the natural environment by way of reprisals are prohibited for States party to Protocol I additional to the Geneva Conventions.

G.P.I Art. 55.2

(14) States are urged to enter into further agreements providing additional protection to the natural environment in times of armed conflict.

G.P.I Art. 56.6

(15) Works or installations containing dangerous forces, and cultural property shall be clearly marked and identified, in accordance with applicable international rules. Parties to an armed conflict are encouraged to mark and identify also works or installations where hazardous activities are being carried out, as well as sites which are essential to human health or the environment.

e.g. G.P.I Art. 56.7, H.CP. Art. 6

IV. IMPLEMENTATION AND DISSEMINATION

(16) States shall respect and ensure respect for the obligations under international law applicable in armed conflict, including the rules providing protection for the environment in times of armed conflict.

G.IV Art. 1, G.P.I Art. 1.1

(17) States shall disseminate these rules and make them known as widely as possible in their respective countries and include them in their programmes of military and civil instruction.

H.IV.R Art. 1, G.IV Art. 144, G.P.I Art. 83, G.P.II Art. 19

(18) In the study, development, acquisition or adoption of a new weapon, means or method of warfare, States are under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by applicable rules of international law, including those providing protection to the environment in times of armed conflict.

G.P.I Art. 36

(19) In the event of armed conflict, parties to such a conflict are encouraged to facilitate and protect the work of impartial organizations contributing to prevent or repair damage to the environment, pursuant to special agreements between the parties concerned or, as the case may be, the permission granted by one of them. Such work should be performed with due regard to the security interests of the parties concerned.

e.g. G.IV Art. 63.2, G.P.I Arts. 61-67

(20) In the event of breaches of rules of international humanitarian law protecting the environment, measures shall be taken to stop any such violation and to prevent further breaches. Military commanders are required to prevent and, where necessary, to suppress and to report to competent authorities breaches of these rules. In serious cases, offenders shall be brought to justice.

G.IV Arts. 146 and 147, G.P.I Arts. 86 and 87

SOURCES OF INTERNATIONAL OBLIGATIONS CONCERNING THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

1. General principles of law and international customary law

2. International conventions

Main international treaties with rules on the protection of the environment in times of armed conflict:

Hague Convention (IV) respecting the Laws and Customs of War on Land, of 1907 (H.IV), and Regulations Respecting the Laws and Customs of War on Land (H.IV.R)

Hague Convention (VIII) relative to the Laying of Automatic Submarine Contact Mines, of 1907 (H.VIII)

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949 (GC.IV)

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 1954 (H.CP)

Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques, of 1976 (ENMOD)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 1977 (G.P.I)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 1977 (G.P.II)

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, of 1980 (CW), with:

- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (CW.P.II)

- Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (CW.P.III)